# SIKKIM

# GOVERNMENT GAZETTE

## EXTRAORDINARY
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GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No: 15/ LD/P/2011

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NOTIFICATION

**The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on the 3rd day of September, 2011 is hereby published for general information:-**

## THE SIKKIM SIDDHESVARA DHAM ACT, 2011
## (ACT NO. 15 OF 2011)
## AN
## ACT

to make provision for better management of the Sikkim Siddhesvara Dham and properties appertaining thereto.

***Be*** it enacted by the legislature of Sikkim in the Sixty- second Year of the Republic of India as follows:-

Short title, extent and commencement

1. (1) This Act may be called the Sikkim Siddhesvara Dham Act, 2011.
(2) It shall extend to the whole of Sikkim.
(3) It shall come into force on such date as the State Government may, by notification, in the Official Gazette appoint.

Definitions

2. (1) In this Act, unless there is anything repugnant the subject or context:-
(a) "Committee" means the Sikkim Siddhesvara Dham Managing Committee constituted under this Act;
(b) "prescribed" means prescribed by rule made under this Act;
(c) "Sevak" means any person, recognised by a competent authority as a sevak or his substitute, appointed to perform any work or duty connected with day to day rituals and puja and conversant with puja, rituals, nitis etc.;
(d) "fund" means the Siddhesvara Dham fund;
(e) "Year" means financial year.

with day to day rituals and puja and conversant with puja, rituals, nitis etc.:

(d) "fund" means the Siddhesvara Dham fund;

(e) "Year" means financial year.

**Committee**

3. (1) As soon as after the commencement of this Act, the State Government shall constitute a Committee to be called the Sikkim Siddhesvara Dham Managing Committee.

(2) Notwithstanding anything in any other law for the time being in force or custom, usage or contract, deed or engagement, the administration and the governance of the Siddhesvara Dham and its endowments shall vest in a committee.

(3) It shall be body corporate, having perpetual succession and a common seal, and may, by the said name, sue and be sued.

Constitution of the Committee

4. (1) The Committee constituted under section 3 shall consists of the following members:-

(a) the Chief Minister of the State shall be the Chairman:
Provided that where the Chief Minister is a person who does not profess Hindu religion, in such an event, the Chairman shall be a Hindu Minister in the Council of Minister as would be nominated by the State Government.

(b) the Collector of the South District, ex-officio member;

(c) the administrator appointed under section 18, ex-officio member;

(d) one person to be nominated by the State Government from amongst the Sevaks of the Siddhesvara Dham and other religious institutions, member;

(e) one person representing the Siddhesvara Dham or other religious institutions connected with the seva puja or nitis to be nominated by the State Government, member;

(f) One person to be nominated by the State Government from amongst persons who do not

belong to any of the categories referred to in clauses (d) and (e), member;

(2) No person who does not profess the Hindu religion shall be eligible for membership.

(3) The appointment or nomination of the members shall be notified in the Official Gazette.

Terms of Office of Members

5. Every member of the Committee other than the Chairman, and the ex-officio member shall hold office for a period of 3 (three) years from the date of notification under sub-section (3) of section 4 and shall be eligible for re-nomination.

Power of State Government to remove the member of Committee

6. (1) The State Government may suspend or remove any member of the Committee on the following grounds, namely,-

(a) that he has been convicted by a Criminal Court of any offence which in the opinion of the State Government involves moral turpitude;

(b) that he is of unsound mind or is suffering from any physical or mental disorder or defect or infirmity which in the opinion of the State Government renders him unfit to be a member of the Committee;

(c) that he has applied to be adjudged or been adjudged insolvent;

(d) that he has been found guilty of corruption or misconduct in the administration of the Siddhesvara Dham and other religious institutions or that some other sufficient cause exists for the removal;

(e) that he has absented himself for more than three consecutive meetings of the Committee and is unable to explain such absence to the satisfaction of the Committee;

(2) No member shall be removed under this section unless he has been given a reasonable opportunity in showing cause against his removal.

(3) The decision of the State Government under this

section shall be final and shall not be liable to be questioned in any Court of Law.

Dissolution and supersession

7. (1) If in the opinion of the State Government, the Committee is not competent to perform or make default in performing the duties imposed on it under this Act, or exceeds or abuse its powers, the State Government may, after due enquiry, by notification, dissolve the Committee and reconstitute another Committee within a period of 6 (six) months from the date of dissolution or supersede the Committee for such period not exceeding 6 (six) months, as the State Government may deem fit.

(2) Before issuing a notification under sub-section (1), the State Government shall communicate to the Committee the grounds on which they propose to do so, fix reasonable time for the Committee to show cause against the proposal and consider its explanations or objections, if any.

(3) Where a Committee is dissolved or superseded under this sections, the State Government shall appoint a person in the active service of the State Government and professing Hindu religion to perform the functions and exercise the powers of the Committee until the constitution of another Committee or till the expiry of the period of supersession, as the case may be:

Provided that period during which the Committee remains superseded shall not have the effect of extending the term of office of a member beyond the period of three years as specified in sub-section (1) of section 5.

Casual vacancies

8. (1) Casual vacancies caused by death, resignations, removal or otherwise in the office of the members of the Committee shall be filled in the same manner as provided in section 4.

(2) The term of a member nominated or appointed, as the case may be, to fill a casual vacancy shall expire on the day on which the term of the member in whose vacancy the nomination or appointment has been made would have expired.

(3) Nothing done by the Committee shall be invalid by reason of there being casual vacancy.

Meeting of the Committee

9. (1) The Committee shall maintain its office at such place as the Committee may determine for the transaction of its business.

(2) The Committee shall meet not less than two times during a calendar year and a period of more than six months shall not be allowed to elapse between two successive meetings.

(3) The Chairman and in his absence his nominee shall preside over the meeting and in the absence of both any member elected by the members present shall preside over such meeting.

(4) No business shall be transacted at any meeting unless at least 4 (four) members are present.

(5) Questions arising at a meeting of the Committee shall be decided by a majority of the votes of the members present there and the Chairman or the person presiding, as the case may be, shall have no right to vote at the first instance, but shall have and exercise casting vote in the case of equality of votes.

(6) The Member Secretary of the Committee shall be responsible for the due record and maintenance of the minutes of the proceedings duly countersigned by the Chairman or the person presiding, as the case may be, and shall submit a copy of the said minutes to the State Government for their information.

(7) The State Government may call upon the Committee to submit report on any matter concerning the business of the Committee and management of the Siddhesvara Dham (hereinafter referred to as the ('Siddhesvara Dham') and its affairs. Non-compliance in this behalf will be treated as a default in performance of duty within the meaning of section 7.

Allowance to the members of the Committee

10. (1) It shall be within the power of the State Government by order to direct from time to time the payment from out of the fund to the Chairman or the members of such allowance at such times and in such manner as the State Government

may consider reasonable and proper.

(2) Save as otherwise provided in sub-section(1) no member of the Committee while acting as such shall receive or be paid from out of the fund any salary or other remuneration except such travelling or daily allowances, if any, as may be prescribed.

(3) Members nominated shall be paid such honorarium/allowances as may be notified.

Duties of the Committee

11. Subject to the provisions of this Act and the rules made there under, it shall be the duty of the Committee,-

(1) to arrange for the proper performance of the seva, puja, and of the day to day rituals, daily or periodical nitis of the Siddhesvara Dham;

(2) to provide facilities for the proper performance of worship by the pilgrims;

(3) to ensure the safe custody of the funds, valuable securities and jewelleries and for the preservation and management of the properties vested in the Siddhesvara Dham;

(4) to ensure maintenance of order and discipline and proper hygienic conditions in the Siddhesvara Dham and for proper standard of cleanliness and purity in the offerings made therein;

(5) to ensure that funds of the specific and religious endowments are spent according to wishes, so far as may be known, of the donors;

(6) to make provision for the payment of suitable emoluments to its salaried staff;

(7) to prepare and implement, with the prior approval of the State Government, any remunerative scheme for establishment of retail shops for sale of commodities inside the Siddhesvara Dham or any other commercial undertaking in order to augment the resources and income of the Siddhesvara Dham;

(8) to take steps for resumption of any building or

room situated within the premises of the Siddhesvara Dham from any person if he has ceased to render the service for the performance of which such building or room was allotted to him or if his service has become obsolete;

(9) to do all such things as may be incidental and conducive to the efficient management of the affairs of the Siddhesvara Dham and its endowments or to the convenience of the pilgrims.

Constitution of sub-committee

12. (1) The Committee may constitute a sub-committee to aid and advice the Committee in regard to all the matters concerning management and affairs of the Siddhesvara Dham.

(2) The composition, the term of office and the procedure for the conduct of the business of the sub-committee shall be as may be prescribed.

Alienation of Siddhesvara Dham and Other Religious Places Properties

13. (1) No movable property of a non-perishable nature of which the Committee is in possession and the value of which is not less than ten thousand rupees and no jewelleries shall be sold, pledged or otherwise alienated without the previous approval of the State Government.

(2) No immovable property taken possession of by the Committee shall be put out in any form or transferred except with the previous sanction of the State Government.

Removal of encroachment of Siddhesvara Dham and Other Religious Places

14. (1) The provisions contained in the Sikkim Public Premises (Eviction of Unauthorised Occupants and Rent Recovery) Act, 1980 shall be applicable, so far as may be, in respect of unauthorised occupation of any land belonging to the Siddhesvara Dham as if it were the property of Government within the meaning of this Act.

(2) The Administrator may, with the prior approval of the Committee, make an application for taking up appropriate proceedings under the said Act to the authority competent there under and thereupon it shall be lawful for such authority to take action in accordance with the provisions contained in that

Act,

Limitation of borrowing powers

15. The Committee shall have no power to borrow money from any person except with the previous sanction of the State Government.

Administration report

16. (1) The Committee shall annually submit to the State Government a report on the administration of the affairs of the Siddhesvara Dham at such times as the State Government may prescribe and such report shall be published forthwith by the Committee in the manner prescribed.

(2) The report prepared and published under this section shall, as soon as possible, be laid before the State Legislature.

Delegation of powers

17. The Committee may, with the prior approval of the State Government, delegate any of its functions to the Administrator or, as the case may be, to the officer who happens to be a member of the Committee in place of an Administrator.

Appointment of Administrator and officers to assist him

18. (1) There shall be an Administrator for the Siddhesvara Dham who shall be appointed by the State Government from amongst persons in their active service.

(2) The State Government may also appoint one or more officers to assist the Administrator and the officers so appointed shall, subject to the control of the Administrator, perform such duties as he may, from time to time, assign.

Powers and duties of the Administrator

19. (1) The Administrator shall be the Secretary of the Committee and its Chief Executive Officer and shall subject to the control of the Committee have powers to carry out its decision in accordance with the provisions of this Act:

(2) Notwithstanding anything contained in sub-section (1), the Administrator shall be responsible for the custody of all records and properties of the Siddhesvara Dham and shall have the following powers:-

(a) to appoint all officers and employees of the

Siddhesvara Dham who profess Hindu religion and should be well conversant with rituals of puja and other rites etc.;

(b) to lease out for a period not exceeding three years at a time the lands and building of the Siddhesvara Dham which are ordinarily leased out;

(c) to call for tender for works or supplies and accept such tenders as may be prescribed or notified;

(d) to order for emergency repairs;

(e) to specify, by general or special orders, such conditions and safeguards as he deems fit subject to which any sevak, office holder or servant shall have the right to be in possession of jewels or other valuable belongings of the Siddhesvara Dham;

(f) to decide disputes relating to the collection, distribution or appointment of offerings, fees and other receipts in cash or in kind received from the members of the public;

(g) to decide disputes relating to rights, privileges, duties and obligations of sevaks, office holders and servants in respect of seva, puja and other day to day work, whether ordinary or special in nature;

(h) to require various sevaks and other persons to do their legitimate duties in time;

(i) in absence of any sevak or his substitute or on the failure on the part of any such person to perform his duties to get the work done by any other person:

Provided that the exercise of the power under clauses (a), (b), (c) and (e) shall be subject to the directions, if any, of the Committee issued specifically in that behalf.

(3) The Administrator may, subject to such conditions if any, as the Committee may, by general or special order impose, afford facilities on payment of fees for special darshan or for any special

service, ritual or ceremony, such darshan, service, ritual or ceremony not being inconsistent with the custom and usage of the Siddhesvara Dham and he shall have power to determine the portion, if any, of such fees which shall be paid to the sevaks, office holders or servants of the Siddhesvara Dham.

Control of sevak etc.

20. All sevaks, office holders and servants attached to the Siddhesvara Dham or in receipt of any emoluments or perquisites therefrom shall, whether such service is hereditary or not, be subject to the control of the Administrator who may, subject to the provisions of this Act and the regulations made by the Committee in that behalf, after giving the person concerned a reasonable opportunity of being heard,-

(a) withhold the receipt of emoluments or perquisites;

(b) impose a fine of an amount not exceeding Rs.500/- (Rupees five hundred)only;

(c) suspend; or

(d) dismiss;

any of them for breach of trust, incapacity, disobedience of lawful orders, neglect or the willful absence from duty, disorderly behaviour or conduct derogatory to the discipline or dignity of the Siddhesvara Dham or for any other sufficient cause.

Extraordinary powers of the Administrator

21. The Administrator may in cases of emergency direct the execution of any work or the doing of any act which is not provided for in the budget for the year and immediate execution or the doing of which is in his opinion necessary for the preservation of the properties of the Siddhesvara Dham and its endowments or for the service or safety of the pilgrims resorting to the Siddhesvara Dham or other religious places or for the due performance of the day to day work therein and may direct that the expenses of executing such work or doing the act shall be paid from the fund. The Administrator shall forthwith report to the Committee the action taken under this section and the reasons therefor.

Establishment Schedule

22. (1) After the appointment of the first Administrator, he shall, as soon as may be, prepare and submit to the Committee a schedule setting forth the duties, designations and grades of the officers and employees who may in his opinion, constitute the establishment of the Siddhesvara Dham and embody his proposals with regard to the salaries and allowances payable to them and such schedule shall come into force on approval by the Committee.

(2) No change shall be effected in such schedule except with the sanction of the Committee.

(3) Subject to such exceptions as the Committee may by general or special order direct the officers and employees of the Siddhesvara Dham on the date of the commencement of this Act shall continue as such and the conditions of their services shall be regularized in the prescribed manner.

Appeal against the orders of the Administrator

23. (1) Any person aggrieved by any order passed by the Administrator under clause (f) and (g) of section 19 and section 20 may within 15 (fifteen) days of the date of communication of the order to him prefer an appeal before the Appeal Committee.

(2) All appeals filed under sub-section (1) shall be heard and disposed of by the Appeal Committee as hereinafter constituted.

(3) The Appeal Committee shall consist of the Collector of the South District who shall be its Chairman and two other members elected in the prescribed manner by the members of the Committee from among the non-official member thereof:

Provided that if the Collector does not profess Hindu religion, the officer who happens to be a member of the Committee in his place, shall be the Chairman of the Appeal Committee.

(4) The Appeal Committee shall, after making such enquiry as it may deem necessary and after giving the parties concerned a reasonable opportunity of being heard, pass such order as it deems fit.

(5) The decision of the majority of Appeal Committee, where the decision is not unanimous, shall be deemed to be the decision of the Appeal Committee:

Provided that where the Chairman of the Appeal Committee differs from both of the other members thereof, he shall refer the appeal along with all connected records and opinions expressed by him and the other members to the Committee whose decision by majority thereof in case it is not unanimous shall be final.

(6) No order made by the Administrator as referred to in sub-section (1) hereinabove or by the Appeal Committee under this section shall debar any person aggrieved thereby from establishing his right, if any, in a Court of competent jurisdiction, but no Court shall have power to stay the operation of the said order pending the final disposal of the proceedings before such Court or of any appeal or application arising therefrom or in relation thereto.

Budget

24. (1) The Administrator shall, every year, prepare in the prescribed manner and form a budget estimate of the receipts and expenditure of the Siddhesvara Dham and its endowments for the following year and place it before the Committee which may approve it without modification or with such modification as it deems fit. After the approval of the Committee, the budget shall be submitted to the State Government for sanction before such date as may be fixed by the State Government in that behalf.

(2) Before sanctioning the budget, the State Government shall satisfy themselves the adequate provision has been made in the budget for the maintenance of the prescribed working balance and for meeting all the liabilities of the Siddhesvara Dham and its endowments. If the budget as submitted to the State Government fails to make these provisions, the State Government may modify any part of the budget so as to ensure that such provisions are made.

The decision of the State Government sanctioning the budget subject to the modifications, if any, shall be communicated to

the Committee of the year to which the budget relates and in the absence of such communication before the end of the preceding financial year, the budget shall be deemed to have been sanctioned in pursuance of this section.

Revised or Supplementary Budget

25. If in the course of any year, the Committee finds it necessary to modify the figures shown in the budget with regard to its receipts or expenditure it may submit a supplementary or revised budget to the State Government:

Provided that no alteration shall be made without the consent of the State Government in the working balance.

Accounts and Audit

26. (1) The State Government shall, every year, appoint an auditor to audit the accounts of the Siddhesvara Dham and its endowments in the prescribed manner and fixed his remuneration which shall be paid to such auditor from the funds thereof. The auditor shall submit his report to the Committee and send a copy of it to the State Government which may issue such directions therein as they may deem fit and the Committee shall carry out such directions.

(2) The report of the auditor and the directions issued by the State Government thereon shall be published in the prescribed manner.

Siddhesvara Dham Fund

27. (1) There shall be constituted a fund to be called " Siddhesvara Dham Fund" which shall be vested in and be administered by the Committee and save as otherwise provided in this Act shall consist of:-

(a) the income derived from the movable and immovable properties of the Siddhesvara Dham;

(b) any contribution by the State Government either by way of grant or by way of loan;

(c) all fines and penalties imposed under this Act;

(d) all recoveries under this Act; and

(e) any other gifts or contributions made by the public, local authorities or institutions.

(2) The said fund may be utilised for any of the purposes permitted under the Act and for all or any of the following purposes:-

(a) maintenance (including repairs and reconstruction), management and administration of the Siddhesvara Dham and its properties;

(b) training of Sevaks to perform the religious worship and ceremonies in the Siddhesvara Dham;

(c) medical relief, water supply and other sanitary arrangements for the worshippers and the pilgrims and construction of building for their accommodation;

(d) culture and propagation of the tenets and philosophy associated with Siddhesvara Dham;

(e) any other work or undertaking for the purposes of the Siddhesvara Dham authorized by the State Government, so long as such authorization subsists; and

(f) with the previous sanction of the State Government for the establishment and maintenance of or making any grant or contribution to any leper asylum, poor home, orphanage or similar other institutions.

Recovery of Siddhesvara Dham dues

28. All amounts due to the Siddhesvara Dham including fines, if any, imposed under this Act shall without prejudice to any other mode of recovery be recoverable as arrears of land revenue on acquisition made by the Administrator in that behalf.

Installation of Hundi

29. (1) The Committee may, with the approval of the State Government, install one or more receptacles (hereinafter referred to as "Hundi") at such place or places in the Siddhesvara Dham as it may think fit for placing of offerings by the pilgrims and devotees visiting the Siddhesvara Dham.

(2) The Hundi shall be operated by such person and in such manner as the State Government may, from time to time, determine.

(3) The State Government may, from time to time, direct such portion of the offerings placed in a Hundi be credited to the Foundation Fund.

(4) No person shall, without being authorized by the Administrator in this behalf, go near or interfere in any manner with any Hundi installed in the Siddhesvara Dham:

Provided that no such authorization shall be required for going near any Hundi for the bonafide purpose of placing any offering therein.

Foundation fund

30. (1) There shall be constituted a fund called " Siddhesvar Dham Foundation Fund" (hereinafter referred to as the Foundation Fund) which shall be vest in and be administered by the Foundation Fund Committee under sub-section (5).

(2) The Foundation Fund shall consist of all donations and contributions made by any person to the Siddhesvara Dham or in the name of any deity installed therein other than those made for any specific purpose and such other amounts as may be directed by the State Government.

(3) All amounts credited to the Foundation Fund shall be invested in long term fixed deposits with such bank or banks as the State Government may approve and shall always be kept so invested and no such fixed deposit shall be pledged or otherwise encumbered:

Provided that the State Government may permit such out of the Foundation Fund as they may fix to be utilised for any purpose of the Siddhesvara Dham as may specify.

(4) All amounts accruing by way of interest on such fixed deposits shall be credited to and form part of Siddhesvara Dham Foundation Fund constituted under this section.

(5) The Foundation Fund Committee shall consists of the following members:-

(a) the Chief Minister of the State of Sikkim who shall be the Chairman;

(b) the Minister-in-Charge of Law who shall be the

Vice-Chairman;

(c) the Secretary to the Government in Law Department;

(d) the Secretary to the Government in the Finance Department or his nominee who shall not be below the rank of a Joint Secretary;

(e) the Collector of the South District; and

(f) the Administrator of the Siddhesvara Dham who shall be the Member Secretary.

(6) The Committee shall conduct its business in such manner as they may determine.

(7) During the absence of the Chairman, the Vice-Chairman shall act as and perform the functions of the Chairman:

Provided that the Secretary to the Government in the Law Department shall act as and perform the functions of the Chairman during any period when both the offices of the Chief Minister and the Minister, Law Department remain vacant.

(8) Notwithstanding anything to the contrary contained in any law, custom, usage or agreement, no sevak shall be entitled to any share out of the amount of donations or contributions to the Foundation Fund made under sub-section (2).

Bar to Suits or proceedings

31. Save as otherwise expressly provided in this Act, no suit or proceeding shall lie in any Court against the State Government or against the Committee or the Administrator for anything done or purported to be done by any of them under the provisions of this Act.

Power of the State Government

32. (1) Subject to provisions of this Act, the general superintendence of the Siddhesvara Dham and its endowments shall vest in the State Government which may pass any order that may be deemed necessary for the proper maintenance or administration of the Siddhesvara Dham or its endowments or in the interest of the general public worshipping in the Siddhesvara Dham.

(2) Subject to the provisions of this Act, the State Government may call for and examine the records of the Administrator or of the Committee in respect of any proceedings with a view to satisfy themselves as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order made thereto and, if in any case, it appears to the State Government that any such decision or order should be modified, annulled, reversed or remitted for re-consideration, they may pass order accordingly:

Provided that the State Government may stay the execution of any such decision or order pending in exercise of their power under sub-section (2) in respect thereof.

Offences

33. (1) Whenever any person having duties to perform in respect of the nitis of the Siddhesvara Dham or sevapuja of the deity raises any claim or dispute and fails or refuses to perform such duties, knowing or having reasons to believe that the non-performance of the said duties would cause delay in the performance of the nitis or sevapuja or inconvenience or harassment to the public or any section thereof entitled to worship in the Siddhesvara Dham and willfully disobeys or fails to comply with the orders of the Administrator directing him to perform his duties without prejudice to the results of a proper adjudication of such claim or disputes, such person or any other person who abets such conduct shall be guilty of an offence punishable on conviction with fine which may extend upto Rs.500/- (Rupees five hundred)only.

(2) Whoever voluntarily causes obstruction by use of force or otherwise, to any sevak in the due performance of any puja or niti which such sevak is entitled or authorized to perform, shall, on conviction, be punishable with imprisonment which may extend to six months or with fine which may extend Rs.500/- (Rupees five hundred)only or with both.

(3) Whoever not being authorized by the Committee or the Administrator interferes with the free movement of visitors within the premises of the Siddhesvara Dham or with any precautionary

measures taken for their safety or convenience shall, on conviction, be punishable with imprisonment which may extend to three months or with fine which may extend to Rs.500/- (Rupees five hundred)only or with both.
Whoever,-

(4) (a) not being the sevak entitled to perform any niti or puja or to offer any bhog to any deity installed within the premises of the Siddhesvara Dham, perform such niti or puja or offers such bhog; or

(b) forcibly enters into nay place within the temple when such entrance is prohibited under any law or custom or under any lawful order issued by the Committee or by the Administrator; or

(c) takes inside the premises of the Siddhesvara Dham any article knowing that the taking of such article is prohibited under any law or custom or by any declaration made and published in the prescribed manner by the Committee with due regard to the prevailing custom, public health, morality or the religious sentiments of the public;

shall, on conviction, be punishable with imprisonment which may extend to two months or with fine which may extend to Rs.500/- (Rupees five hundred)only or with both.

(5) Whoever answers the call of nature at any place within the premises of the Siddhesvar Dham other than that set apart for the purpose or enters the Siddhesvara Dham in a state of intoxication and conduct himself in such a manner as to cause annoyance to any person or commits any act of indecency or uses obscene of abusive language within the premises of the Siddhesvara Dham shall, on conviction, be punishable with fine which may extend to Rs.500/- (Rupees five hundred) only.

Offences to be cognizable

34. Any police officer may arrest without warrant any person who is committing or who is reasonably suspected to have committed any offence under this Act.

Cognizance of offences

35. (1) No Court inferior to that of a Judicial Magistrate shall try any offences under this Act.

(2) No Court shall take cognizance of any such offence without the previous sanction of the Administrator.

Composition of offences

36. (1) The Administrator may accept from any such person against whom a reasonable suspicion exists that he has committed an offence under this Act, a sum of money not exceeding the maximum amount of fine which may be imposed in respect of that offence by way of composition of the offence.

(2) On the payment of such sum of money, the suspected person, if in custody, shall be discharged and no further proceedings shall be taken against such person.

Funds to be credited to Siddhesvara Dham Fund

37. All amounts realized on account of fines upon conviction for offences under this Act shall be credited to the Siddhesvara Dham Fund.

Regulations

38. The Committee may, subject to the approval of the State Government, make regulations not inconsistent with the provisions of this Act and the rules made thereunder to provide for the manner in which the duties imposed on it under this Act and it functions thereunder shall be discharged and in particular to provide for:-

(a) conditions of service of office bearers and employees of the Siddhesvara Dham;

(b) procedure for transfer of sevapuja and observance of nitis and other usages in the Siddhesvara Dham.

(c) any other matters for which regulations are required to be made for purpose of this Act.

Power to make rules

39. (1) The State Government may make rules to carry out the purpose of this Act.

(2) In particular and without prejudice to the generality of foregoing power, they shall have power to make rules with reference to,-

(a) all matters expressly required or by this Act to be prescribed;

(b) all manner of exercise of control by the Committee over the actions of the Administrator;

(c) the grant of traveling or daily allowances to the members of the Committee;

(d) the performance of duties by the Committee under section 11 and mode and extent of expenditure under section 27;

(e) the publication of the Administration report under section 16;

(f) the custody of records and properties;

(g) the preparation of the budget estimate for the Siddhesvara Dham;

(h) the preparation and sanction of estimates and acceptance of tenders in respect of public works and for supplies;

(i) the custody and investments of the Siddhesvara Dham fund by the Committee;

(j) the audit of the accounts of the Siddhesvara Dham and the particulars to be mentioned in the audit report and the manner of publication thereof and of the directions issued under section 26;

(k) the recovery of amounts payable to auditors appointed by the State Government; and

(l) any other matter that required for the efficient administration of the Siddhesvara Dham and its endowments.

Committee to be in possession of the Siddhesvara Dham and its properties

40. (1) The Committee shall be entitled to take and be in possession of all movable and immovable properties including funds, jewelleries, records, documents and other assets belonging to Siddhesvara Dham.

(2) If in obtaining such possession, the Committee or any person authorized in this behalf by the Committee is resisted or obstructed by any one, it may make a requisition in the prescribed form to any Magistrate of the first class within whose jurisdiction any such property is situated to deliver possession to the Committee. On receipt of the requisition the Magistrate shall hold a summary

enquiry into the fact of the case and is satisfied that the resistance or obstruction was without any just cause, shall comply with the said requisition and in exercising the powers under this section the Magistrate shall be guided by the rules made under this Act.

(3) No suit, prosecution or other legal proceedings shall lie against the Committee or any person acting under its instructions or authorized by it for anything done in good faith under sub-section (2):

Provided that nothing contained in this section shall bar the institution of a suit by any person aggrieved by an order made thereunder from establishing his title to the said property.

Public officers to furnish copies of or extracts from certain documents

**41.** All public officers having custody of any record, register, report or other documents relating the Siddhesvara Dham or any movable or immovable property thereof shall furnish such copies of or extracts from the same as may be required by the Administrator.

Acts of Committee and Administrator not to be invalidated

**42.** (1) No act or proceeding of the Committee or any person acting as a member of the Committee shall be deemed to be invalid by reason only of a defect in the establishment or constitution of the Committee or on the ground that any member of the Committee was not entitled to hold or continue in such office by reason of any disqualification or by reason of any irregularity or illegality in his appointment or by reason of such act having been done or proceeding taken during the period of any vacancy in the office of a member of the Committee.

(2) No act or proceeding of the Administrator shall be deemed to be invalid by reason of only of a defect or irregularity in his appointment or on the ground that he was not entitled to hold or continue in office by reason of any disqualification.

Administrator etc. to be public servants

**43.** The administrator and every person duly authorized by him or by the Committee shall, while acting under any of the provisions of this Act, be deemed to be public servant within the meaning of section 21 of the Indian penal Code.

to be public servants

authorized by him or by the Committee shall, while acting under any of the provisions of this Act, be deemed to be public servant within the meaning of section 21 of the Indian penal Code.

Powers to remove difficulties

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion may require, by order to do anything not inconsistent with this Act or the rules made thereunder which appears to them necessary for the purpose of removing the difficulty.

**R.K. PURKAYASTHA (SSJS)**
**LR-cum-Secretary**
**Law Department**

**File No: 16 (82)/ LD/77-2011**

*S.G.P.G. - 563/Gazette /30 Nos./Dt:- 05.11.2011.*

SIKKIM

GOVERNMENT GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok Thursday 19th July, 2012 No. 365

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

NO: 26/LD /P/12 DATED: 17.07.2012

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the ascent of the Governor on 3rd day of May, 2012 is hereby published for general information:-

## THE SIKKIM SIDDESVARA DHAM (AMENDMENT) ACT, 2012
(ACT NO. 26 OF 2012)
AN
ACT

to amend the Sikkim Siddhesvara Dham Act, 2011.

*Be it* enacted by the Legislature of Sikkim in the Sixty-third Year of the Republic of India as follows.-

**Short title, extent and commencement**

1. (1) This Act may be called the Sikkim Siddhesvara Dham (Amendment) Act, 2012.
(2) It shall extend to the whole of Sikkim.
(3) It shall be deemed to have come into force w.e.f 7th November, 2011.

**Amendment of section 2**

2. (1) In Sikkim Siddhesvara Dham Act, 2011( hereinafter called the said "Act"), before sub-clause (a) of sub-section (1) of section 2, the following sub clause shall be inserted, namely,-

"(aa) "Administrative Department" means Tourism and Civil Aviation Department, Government of Sikkim".

**Amendment of section 4**

3. (1) In the said Act, in clause (b) of sub-section (1) of section 4, the word "Collector of the South District" shall be substituted by the word "Minister-in-Charge, Tourism and Civil Aviation Department, Government of Sikkim".
(2) In clause (d) of sub-section (1) of section 4, for the existing entry, the following shall be substituted namely,-

"Secretary, Tourism and Civil Aviation Department, Government of Sikkim".

(3) In clause (e) of sub-section (1) of section 4 for the existing entry, the following shall be substituted namely,-

"one person conversant with traditions and culture of sanathan dharma"

**Amendment of Section 4.** (1) In the said Act in section 11, after the word Committee the following words shall be added "to lay down plan or policies or programme for implementation by sub-committee or committees as may be constituted from time to time and shall also supervise periodically the implementation of the policies etc. and may also endorse such other additional duties or functions to sub- committees as it may deem fit and proper".

(2) In the said Act, sub-section (1) to (9) of section 11, shall be omitted.

**Amendment of section 5. of section 12**

(1) In the said Act, in sub-section (1) of section 12 after the word "sub-committee" and before the word "to aid", the following words shall be inserted, namely,-

"with District Collector, South District as the Chairman".

(2) After sub –section (1), following further proviso shall be inserted, namely,-

"Provided that where the District Collector, South District is a person who does not profess hindu religion, the State government may nominate any other appropriate official of the State government as the Chairman of the sub-committee.

(3) In the said Act, after sub-section (2), the following new sub-sections shall be inserted, namely,-

"(3) to arrange for the proper performance of the seva, puja, and of the day to day rituals, daily or periodical nitis of the temple;

(4) to provide facilities for the proper performance of worship by the pilgrims;

(5) to ensure the safe custody of the funds, valuable securities and jewelleries and for the preservation and management of the properties vested in the temple;

(6) to ensure maintenance of order and discipline and proper hygienic conditions in the temple of proper standard of cleanliness and purity in the offerings made therein;

(7) to ensure that funds of the specific and religious endowments are spent according to wishes, so far as may be known, of the donors;

(8) to make provision for the payment of suitable emoluments to its salaried staff;

(9) to prepare and implement, with the prior approval of the State Government, any remunerative scheme for establishment of retail shops for sale of commodities inside the temple or any other commercial undertaking in order to augment the resources and income of the temple;

(10) to take steps for resumption of any building or room situated within the premises of the temple from any person if he has ceased to render the service for the performance of which such building or room was allotted to him or if his service has become obsolete;

(11) to do all such things as may be incidental and conducive to the efficient management of the affairs of the temple and its endowments or to the convenience of the pilgrims.

**Amendment of section 30**

6. (1) In the said Act, in clause (b) of sub-section (5) of section 30, the word "Law" shall be substituted by the words "Tourism and Civil Aviation".

(2) In the said Act, in clause (c) of sub-section (5), the word "Law" shall be substituted by the words "Tourism and Civil Aviation".

(3) In the proviso to sub-section (7) of section 5, the word "Law" wherever it occurs shall be substituted by the words "Tourism and Civil Aviation".

R.K. Purkayastha,SSJS
L.R. -cum-Secretary,
Law Department.

# SIKKIM

# GOVERNMENT GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok | Thursday 20th June, 2013 | No. 295


GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No.11/LD/P/13 Dated:11.06.2013

NOTIFICATION

*The following Act passed by the Sikkim Legislative assembly and having received the assent of the Governor on 18th day of May, 2013 is hereby published for general information:-*

## THE SIKKIM SIDDHESVARA DHAM (AMENDMENT) ACT, 2013
(ACT NO.11 OF 2013)
AN
ACT

to amend the Sikkim Siddhesvara Dham Act, 2011.

***Be*** it enacted by the Legislature of Sikkim in the Sixty-fourth Year of Republic of India as follows:-

**Short title, extent and commencement**

1. (1) This Act may be called the Sikkim Siddhesvara Dham (Amendment) Act, 2013.

(2) It shall extend to the whole of Sikkim.

(3) It shall come into force at once.

**Amendment of Section 4.**

2. In the Sikkim Siddhesvara Dham Act, 2011, in sub-section (1) of section 4,-

i) For clause (a) and the entries relating thereto, the following clause and entries shall be substituted, namely:-
"(a) His Excellency, the Governor of Sikkim shall be the patron in Chief";

ii) After clause (a), the following clause and the entries shall be inserted, namely:-
"(aa) the Chief Minister of the State shall be the Chairman:

Provided that where the Chief Minister is a person who does not profess Hindu religion, in such an event, the Chairman shall be a Hindu Minister in the Council of Minister as would be nominated by the State Government."

R. K. Purkayastha
Advisor-cum-Principal Secretary,
Law& Parliamentary Affairs Department.


*S.G.P.G. - 295/ Gazette/ 30 Cps./ 20.06.2013*


THE SUBSEQUENT AMENDMENTS TO THE SIKKIM SIDDHESVARA DHAM ACT, 2011 (ACT NO.15 OF 2011) AMENDED AND UPDATED UPTO JUNE, 2013